

Commonwealth of Kentucky
Cabinet for Human Resources
Department for Social Services

APPLICATION FOR PERMISSION TO RECEIVE OR PLACE A CHILD

1. Name, address, and telephone number of persons wishing to receive the child.

Name _____ Phone Number _____
Address _____
Street City State Zip County _____
Relationship to child _____

2. Name, permanent address, and telephone number of mother, birth father and legal father (if applicable) of the child to be received or placed.

Name _____ Phone Number _____
(Name of Birth Mother)

Permanent Address _____ County _____
Street City State Zip

Current Address _____ County _____
(if different) Street City State Zip

Name _____ Phone Number _____
(Name of Birth Father)

Address _____ County _____
Street City State Zip

Name _____ Phone Number _____
(Name of Legal Father)

Address _____ County _____
Street City State Zip

3. If born, legal name, birthdate, and current address of child, or expected date of birth if unborn.

Name _____ Current Address _____

Birthdate _____ or Expected Date of Birth _____

Has legal custody of the child been awarded to any agency or persons other than the birth parents? _____ If yes, provide name and address and attach a copy of the custody order.

4. Name, address, and telephone number of attorney, physician, or any other agent of the applicant wishing to receive or place a child. If attorney, which party representing, _____. (List additional agents on back of form).

Name _____ Profession _____

Address _____ Phone _____
Street City State Zip

5. If the proposed adoptive parents reside in Ky., state whether the placement investigation shall be conducted by DSS or a licensed child placing agency. _____ If a child placing agency, give name and address. _____

This form shall be signed by either the persons wishing to receive the child or the person wishing to place the child, or both.

Signatures of persons wishing to receive child:

Father Mother

Signatures of persons wishing to place child:

(Relationship to Child)

(Relationship to Child)

Signatures of Agent: _____ Date _____

Please submit this application in duplicate by certified or registered mail to Secretary, Cabinet for Human Resources, attn: Commissioner, Department for Social Services, 275 E. Main Street, Frankfort, Kentucky 40621. This application shall not be accepted unless a certified or cashier's check made payable to the Treasurer, Commonwealth of Kentucky, in the amount of \$150.00 is attached.

KRS 199.473 Placement of children by private person - Temporary custody - Removal.

(1) All persons other than a child-placing agency or institution, the department, or persons excepted by KRS 199.470(4) or (5) who wish to place or receive a child shall make written application to the secretary for permission to place or receive a child. Prior to the approval of an application to place or receive a child, together with the fee required pursuant to subsection (6) of this section, the secretary shall cause the investigation to be made by a Cabinet for Human Resources social worker unless the applicant specifies in the application that the investigation shall be done by an adoption worker of the home and the background of the person or persons wishing to receive the child. The portion of the investigation pertaining to the home and family background shall be valid for (1) one year following the date of its completion by an adoption worker. The purpose of the investigation shall be to determine the suitability of the applicants to receive a child, taking into account at all times the best interest of the child for whom application to receive has been made. The adoption worker making the investigation shall make a finding in writing recommending either that the application be granted or that the application be denied. In either case, reasons for the adoption worker's recommendation shall be given in writing. The recommendation of the adoption worker shall then be reviewed by the secretary. Based on the report and recommendation of the adoption worker making the investigation, the secretary shall grant or refuse permission for the applicant to place or receive a child as early as practicable, but, in any case, the decision shall be made within sixty (60) days after the receipt of the application. In reaching his decision, the secretary shall be guided by the ability of the persons wishing to receive the child to give the child a suitable home, and shall at all times consider the best interest of the child from a financial, medical, psychological, and psychiatric standpoint. If the application is refused, the secretary shall in general terms furnish in writing the reasons for his refusal.

(2) Upon a finding by the Circuit Court that the child should be placed prior to the secretary's ruling on the application, the Circuit Court may grant the applicant temporary custody of the child pending the decision of the secretary. If the application is denied, the temporary custody order shall be set aside and, upon motion of the cabinet or of the child's parent or parents, the Circuit Court may order the child returned to the biological parent or parents or the child's custody may be awarded to the cabinet, another licensed child-placing agency, or such other individuals deemed appropriate by the court. This section shall not be deemed to permit the completion of any adoption proceeding without the approval of the secretary and compliance with KRS 615.030, if required.

(3) In any case where the cabinet refuses to approve the placement of a child for adoption when requested by the parent or parents of the child, or refuses the request of any person or persons that a child be placed with him or them for adoption, the decision of the secretary in so refusing shall be final unless within ten (10) days after notice of refusal, the biological or proposed adopting parent or parents shall appeal to the Circuit Court of the county in which the adoption is proposed. No placement shall be disapproved on the basis of the religious, ethnic, racial, or interfaith background of the adoptive applicant, if the placement is made with the consent of the parent. The cabinet may refuse to approve the placement of a child for adoption if the child's custodial parent is unwilling for the child to be placed for adoption with the proposed adoptive family. The cabinet may approve or deny the placement, in spite of the fact that the custodial parent or parents are unwilling to be interviewed by the cabinet or other approving entity, or if, after diligent efforts have been made, the adoption worker is unable to locate or interview the custodial parent or parents. The cabinet shall be made a party defendant to the appeal. In the hearing of an appeal, the court shall review the findings of the secretary and shall determine if the secretary has acted arbitrarily, unlawfully, or in such a manner as to constitute an abuse of discretion.

(4) If a child who does not fall within the exception provided for in KRS 199.470(4) or (5) is placed or received in a home without the permission of the secretary for human resources, or if permission to receive a child has been denied, a representative of the cabinet may petition the juvenile session of District Court of the county in which the child is found setting out the facts concerning the child. When the petition has been filed, the court shall take jurisdiction of the child and shall provide for it as it would provide for a dependent, neglected, or abused child under KRS Chapter 620, except that the child may not be placed in the home of the applicants to receive him unless permission to do so is granted by the secretary or the action is ordered by a Kentucky court of competent jurisdiction.

(5) When either the custodial parent or parents of the child to be placed or the persons wishing to receive the child reside out-of-state, the requirement of KRS 615.030, Interstate Compact on the Placement of Children, shall be met before the cabinet gives approval for the child's placement.

(6) The secretary of the Cabinet for Human Resources shall be paid a nonrefundable fee of one hundred fifty dollars (\$150) upon the filing of the written application for permission to place or receive a child. Payment shall be made by certified or cashier's check only. All funds collected under this section shall be deposited in a restricted account, which is hereby created, for the purpose of subsidizing an adoptive parent for suitable care of a special needs child as authorized in KRS 199.555.

(7) Nothing in this statute shall be construed to limit the authority of the cabinet or a child-placing institution or agency to determine the proper disposition of a child committed to it by the juvenile session of District Court or the Circuit Court, prior to the filing of an application to place or receive.

KRS 199.590. Prohibited acts and practices in adoption of children - Expenses paid by prospective adoptive parents to be submitted to court.

(1) A person, corporation, or association shall not advertise in any manner that it will receive children for the purpose of adoption. A newspaper published in the Commonwealth of Kentucky or any other publication which is prepared, sold, or distributed in the Commonwealth of Kentucky shall not contain an advertisement which solicits children for adoption or solicits the custody of children.

(2) A person, agency, institution, or intermediary shall not sell or purchase or procure for sale or purchase any child for the purpose of adoption or any other purpose, including termination of parental rights. This section shall not prohibit a child-placing agency from charging a fee for adoption services. This section shall not be construed to prohibit in vitro fertilization. For purposes of this section "in vitro fertilization" means the process by which an egg is removed from a woman, and fertilized in a receptacle by the sperm of the husband of the woman in whose womb the fertilized egg will thereafter be implanted.

(3) No person, association, or organization, other than the cabinet or a child-placing institution or agency shall place a child or act as intermediary in the placement of a child for adoption or otherwise, except in the home of a stepparent, grandparent, sister, brother, aunt, or uncle, or upon written approval of the secretary. This subsection shall not be construed to limit the Cabinet for Human Resources in carrying out its Aid to Dependent Children Program in accordance with KRS Chapter 205. This section shall not be construed to prohibit private independent adoption or the right to seek legal services relating to a private independent adoption.

(4) A person, agency, institution, or intermediary shall not be a party to a contract or agreement which would compensate a woman for her artificial insemination and subsequent termination of parental rights to a child born as a result of that artificial insemination. A person, agency, institution, or intermediary shall not receive compensation for the facilitation of contracts or agreements as proscribed by this subsection. Contracts or agreements entered into in violation of this subsection shall be void.

(5) A person, organization, group, agency, or any legal entity, except a child-placing agency, shall not accept any fee for bringing the adoptive parents together with the child to be adopted or the biological parents of the child to be adopted. This section shall not interfere with the legitimate practice of law by an attorney.

(6) (a) In every adoption proceeding, the expenses paid, including but not limited to any fees for legal services, placement services, and expenses of the biological parent or parents, by the prospective adoptive parents for any purpose related to the adoption shall be submitted to the court, supported by an affidavit, setting forth in detail a listing of expenses for the court's approval or modification.

(b) In the event the court modifies the expense request as it relates to legal fees and legal expenses only, the attorney for the adoptive parents shall not have any claim against the adoptive parents for the amount not approved.